(b) The Board may order the subject railroads to supply additional data for submitted waybill copies or records for special studies.

[46 FR 26784, May 15, 1981. Redesignated at 65 FR 37711, June 16, 2000]

§ 1244.8 Analysis of waybill data.

Users of the waybill sample when presenting waybill analysis before the Board shall ensure that the appropriate weighting factors are applied to account for the stratified sampling. See Statement 81–1 for guidelines for weighting waybill data and for computing sampling errors.

[46 FR 26784, May 15, 1981. Redesignated at 65 FR 37711, June 16, 2000]

§ 1244.9 Procedures for the release of waybill data.

(a) *General.* The procedures for the release of waybill data identify five classes of users of the STB Waybill Sample, define the waybill information or data that each class of users may obtain, and set forth the applicable requirements for the data's release. They also formalize notice and protest procedures for the possible release of waybill data to other users to protect against the inappropriate release of confidential data. The Director of the Office of Economics, Environmental Analysis, and Administration shall be responsible for releasing waybill data in accordance with these procedures.

(b) *Class of user, available data, and applicable release requirements*—(1) *Railroads.* Each requesting railroad may obtain any waybill record from the STB Waybill Sample covering traffic that originated, terminated, or was bridged by that railroad. The railroad shall not have access to waybill data pertaining to traffic in which it did not participate. Also, it must meet all STB and legal requirements concerning release of shipper information in accordance with 49 U.S.C. 11910(a).

(2) *Federal agencies.* Each requesting Federal agency (including quasi-governmental agencies) may obtain any waybill record from the STB Waybill Sample subject to the following requirements:

(i) The Federal agency shall make the information contained in the STB Waybill Sample available only to its employees or those contractors working on the particular project or study requiring the waybill data.

(ii) The Federal agency will ensure that railroads and shippers are afforded the same privilege and protection against disclosure of the waybill data as the Board provides.

(iii) The Federal agency will not release any data to the public unless the data elements are aggregated to contain at least three shippers and to prevent identification of an individual railroad.

(iv) The Federal agency will refer any requests for waybill data and accompanying documentation to the STB for processing and will so inform the requesting party of such referral to the Board.

(v) The Federal agency must sign an agreement annually with the Board agreeing to these restrictions.

(3) *States.* Each requesting State may obtain any waybill record pertaining to traffic that was originated, terminated, interchanged in, or that passed through its State subject to the same requirements imposed on federal agencies under paragraphs (b)(2)(i) through (v) of this section.

(4) *Transportation practitioners, consulting firms, and law firms—specific proceedings.* Transportation practitioners, consulting firms and law firms may use data from the STB Waybill Sample in preparing verified statements to be submitted in formal proceedings before the STB and/or State Boards (Board) subject to the following requirements:

(i) The STB Waybill Sample is the only single source of the data or obtaining the data from other sources is burdensome or costly, and the data is relevant to issues pendng before the Board.

(ii) The requestor submits to the STB a written waybill request that complies with § 1244.8(e).

(iii) All waybill data must be returned to the STB, and the firm must not keep any copies.

(iv) A transportation practitioner, consulting firm, or law firm must submit any evidence drawn from the STB Waybill Sample to the Board only unless the evidence is aggregated to the level of at least three shippers and will